

REMARKS/ARGUMENTS

The applicant acknowledges with thanks the allowance of claims 15-27, 29-32, 34 and 47-64.

However, claims 1, 2-11, 14, 35 and 36-46 have been rejected as anticipated by a new reference, Bray's U.S. Patent 3,899,231. Reconsideration is requested.

First, it is noted from page 3 of the Office Action that the Examiner allowed claim 15 because it recites "a battery contact having a single torsional region", and allowed claim 47 because it recites "a battery terminal contact region having a distal free end." Claim 1 contains both of these features. Claim 1 is therefore allowable for at least the same reasons claims 15 and 47 were allowed.

Likewise, claim 35 recites at lines 7-8 "a battery terminal contact region ... having a distal free end". Claim 35 is therefore allowable for at least the same reasons that claim 47 was allowed.

Thirdly, the electrical connector for connecting adjacently located printed circuit boards disclosed in the newly cited Bray patent is significantly different from the subject matter recited in independent claims 1 and 35. Independent claim 1 recites as follows:

A battery contact to be provided from a battery holder to allow it to engage with and to conduct electricity from a terminal of a battery ... comprising:

an elongate wire formed to define a) a single torsional region ...,

wherein the displacement of said battery terminal contact region and said restraining leg are biased back to an original angular condition as a result of torsional rigidity provided by said torsional region,

wherein, in use, ... when a force is applied to said battery terminal contact region by said battery, the torsional force in said torsional region biases said battery terminal contact point towards said battery terminal.

Independent claim 35 has slightly different wording, but similarly possess claim limitations reciting the structure and function of a "torsional region."

Bray's electrical connector has no "torsional region" as claimed. The Examiner cites a "middle section" in Bray as corresponding to the torsional region in claims 1 and 35. As best

understood, the Examiner may consider the "middle section" to be the straight portion to the right of the bend near reference numeral 27, and to the left of the bend near 26 in Bray's Figure 5.

However, as described in Bray's col. 3, lines 11-20, the reversely bent first end portion 26 projects into a plated-through aperture 28 in one panel 23; while the reversely bent second end portion 27 extends through and resides in resilient engagement with electrically conductive side walls of an aperture 29 provided in a second wiring circuit panel. Clearly the resilient engagement with the side walls of the respective apertures is provided by the resilient property of the bent portions 26 and 27. The straight region between the bent portions 26 and 27 is not twisted or intended to be twisted in use and there is no torsional force in that straight section. It is therefore not a "torsional region" as claimed, and further does not function as recited in claims 1 and 35. The anticipation rejection therefore should be withdrawn.

Claims 1 and 35 further cannot be considered to be an obvious modification of Bray. Bray's device, with the disclosed bends and regions, functions according to its purpose without any modifications. Although the Examiner alleged that Bray's device is capable of functioning as a battery contact, the Office Action has no explanation of how this could be arranged—the Examiner's comment must therefore be expressly traversed. Bray does not disclose or suggest modifying or applying its device for use as a battery contact, nor any other motivation to modify its device to provided a torsional region between the bent portions 26 and 27.

For all the foregoing reasons, the rejection of claims 1, 2-11, 14, 35 and 36-46 is requested to be withdrawn.

FACSIMILE CERTIFICATE

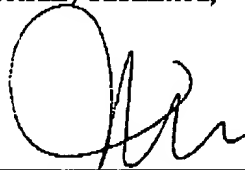
I hereby certify that this correspondence is being sent via facsimile (703) 872-9306 to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 11, 2005:

James A. Finder
Name of applicant, assignee or
Registered Representative
Signature
May 11, 2005
Date of Signature

JAF:lf

00698635.1

Respectfully submitted,


James A. Finder
Registration No.: 30,173
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700